IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA Richmond Division

KEVIN JOHNSON,

Plaintiff,

V.

Case No. 3:24-cy-00080-HEH

VIRGINIA DEPARTMENT OF CORRECTIONS, et al.,

Defendants.

DECLARATION PURSUANT TO 28 U.S.C. § 1746

Kemsy Bowles, under penalty of perjury, states as follows:

- I am the Lead Warden at Sussex I State Prison, a Virginia Department of Corrections ("VDOC") facility.
- 2. The information contained in this declaration is based on personal knowledge and records maintained in the regular and ordinary course of business.
- 3. I am generally aware that Kevin Johnson, #1007485, has filed a lawsuit naming Virginia Department of Corrections ("VDOC"), Chadwick S. Dotson, A. David Robinson, Beth Cabell, Warden Kemsy Bowles, Kevin McCoy, Matthew Blaha, Brooks Wallace, Officer Smith, Rick White, D. Trent, E. Creech, J. Monihan, and Major Johnny Hall ("Defendants") as Defendants. Mr. Johnson has filed motion for a temporary restraining order in which seeks to have the Court order Defendants to
 - a. keep Mr. Johnson "in the care of Virginia Commonwealth University's medical providers until he completes both his hunger strike and the process of refeeding, for at least two weeks or as long as his doctors believe would be medically beneficial, whichever is longer;"

- b. detain Mr. Johnson "in the eastern region of [Virginia] during the pendency of his lawsuit, so that [he] may continue his medical care for cancer and heart issues and so that Mr. Johnson may meaningfully participate in the prosecution of [his] lawsuit;"
- c. detain Mr. Johnson "in a cell with running water; the same temperature as other cells in the facility; the same changes of clothes, bedding, and hygiene items as other prisoners are permitted; access to in-person visitation and a tablet and/or kiosk for communication; as well as weekly or twice-a- week personal calls, unrestricted legal calls, and access to writing materials throughout the pendency of this case; including while Mr. Johnson is in the hospital;" and
- d. "strongly consider maintaining Mr. Johnson in a prison near Richmond after the resolution of this case to maintain continuity of care with his cancer providers and any additional medical care providers for his heart or other conditions."
- 4. On June 29, 2023, Mr. Johnson was transported to the VCU Medical Center in Richmond for outpatient medical care. After arriving at VCU, Mr. Johnson asked to use a public bathroom. Upon his request C/O R. Vereen and an officer-in-training searched the bathroom and found eight cell phones, two small knives, tobacco and rolling papers. Although the items appeared to have been concealed for an inmate to find, no direct evidence linking Mr. Johnson to the contraband was found.
- 5. On July 7, 2023, at approximately 12:45 p.m., Intel Officer M. Arenas was conducting a search of Mr. Johnson's personal property in his cell at Sussex I. While searching numerous pieces of assorted mail and books, a hard cover book entitled "Today in History" appeared to be tampered with. After further inspection, a blue Nokia Trac phone was discovered behind the front cover of the book. At approximately 1:21p.m., Intel Officer M. Arenas, while

still searching Mr. Johnson's mail and books, discovered a hard cover book covered in black tape that appeared to have been tampered with. After further inspection, a black Blade phone was discovered behind the front cover of the book. Mr. Johnson was the only inmate assigned to the cell where the phones were collected from. Mr. Johnson was charged with two counts of possession or use of an unauthorized communication device (SXI-2023-1088 and SXI-2023-1089), and he accepted the penalty offers. Copies of the related disciplinary documents are attached as Enclosure A.

- 6. That same day, on July 7, 2023, at approximately 1:50 p.m., Intel Officer M. Arenas while still searching Mr. Johnson's commissary items, found a blue Moon Lodge Barbeque potato chip bag that appeared to have been opened and resealed with clear tape on the top of the bag. After further inspection, two (2) bags of tobacco were discovered inside of the Moon Lodge Barbeque potato chip bag. A second blue Moon Lodge Buffalo Wing and Blue Cheese potato chip bag was discovered to have been opened and resealed with clear tape on the back of the bag. After further inspection two (2) bags of tobacco were discovered inside of the Moon Lodge Barbeque potato chip bag. Mr. Johnson was the only inmate assigned to the cell where the property was collected from. Mr. Johnson was charged with possession of tobacco products (SXI-2023-1087), and he accepted the penalty offer. Copies of the related disciplinary documents are attached as Enclosure B.
- 7. At approximately 2:17 a.m. on August 3, 2023, C/O C. Bishop-Hopkins was conducting rounds in building 3 of Restorative Housing Unit area A side when the C/O noticed that Mr. Johnson had his tray slide still open with his penis out and masturbating. Bishop-Hopkins stopped the rounds to report the incident to the booth officer, C/O N. Owiredu who then asked Bishop-Hopkins to write a disciplinary charge, SXI-2023-1216, and Mr. Johnson accepted the penalty offer. Copies of the related disciplinary documents are attached as Enclosure C.

- 8. On October 19, 2023, at approximately 3:20 a.m., a cell search was conducted in Housing Unit 3 Delta 13, where Mr. Johnson was housed. Upon the search of the cell, a 7.5" knife (Kershaw Speed safe USA), was found by Lt. Don Williams, located in the bottom part of the cell door. Therefore, this contraband was in Mr. Johnson's possession. This behavior is a threat a threat to staff safety, inmate safety, and the orderly operation of the institution.

 Therefore, a disciplinary charge for possession or use of a weapon was written (SXI-2023-1664). Mr. Johnson was found guilty. Copies of the related disciplinary documents are attached as Enclosure D.
- 9. Because the knife in Mr. Johnson's possession posed a threat to staff safety, inmate safety, and the orderly operations of the facility, Mr. Johnson was transferred from general population to restorative housing unit on October 19, 2023. Because of Mr. Johnson's possession of a knife and his convictions for lewd or obscene acts directed toward or in the presence of another and two counts of Possession or use of unauthorized communication devices, the decision was made to transfer Mr. Johnson to a more secure facility. Copies of the relevant Institutional Classification Authority documents are attached as Enclosure E.

I swear under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing statements are true and correct.

KEMSY BOWLES

2-12-2024 Date Executed



Disciplinary Offense Report

Report generated by Spencer, A E Report run on 02/09/2024 at 05:56 PM

Case Number: SXI-2023-1		Johnson, Kevin	DOC#	1007485 Housing: <u>HU3-A-28B</u>
Facility: Sussex I State Priso	on	Reference:		
Offense Code: 131	Offense Title: Po	ossession or use of unauthori	zed communication de	vices, to include
Offense Date: 07/07/202	Approximate Time:	1:21 PM Location: N/A - 0	Other	
ESCRIPTION OF THE OFFE				
rovide a summary of the deta nmediate action taken – inclu	ils of the offense (i.e.: who, who ding use of force, etc.)	at, when, where, and how; an	y unusual behavior, an	ny physical evidence and its disposition, and an
searching numerous pieces Black Blade phone was dis	of assorted mail and books, a	hard cover book covered in b of the book. Inmate Kevin Jol	lack tape appeared to	Johnson 1007485 personal property. While be tampered with. After further inspection, a nate assigned to the cell where the property
x Investigation	Date Completed: 0	07/08/2023		DESCRIPTION CONTINUED ON ATTACHED PAG
Witnesses: Laboy, N	4 .	Reporting Office	: Arenas, M	
2000), 11		Title: Institut	ional Investigator	
		Date: 07/08/2	023 Time:	8:25 AM
Officer -In-Charge : John	ison, K M	Title: Captain		
OIC Signature:		Date: 07/08/2	2023 Time:	: 11:33 AM
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ENCLOSURE A

Case 3:24 Case Number: SXI-2	I-CV-00080-HEH ^{DI} SCRUMARNOE			PageID# 195
Facility: Sussex I Stat	Official Name	Johnson, Kevin	DOC # 1007485	Housing: HU3-A-28B
OFFENDER'S PLEA A	AND RIGHTS	Reference:		
Hearing Location:	4.1		D-1 07/40/0000	
Plea: Guilty Advisor at hearing:	☐ Not Guilty ☐ No Plea		Date: 07/16/2023	Time: 12:00 AM
NB 1	clusion of the accused offender:			
- A Control of Control	design of the design of the fider.		_	
Was the Reporting Off	icer present at the Disciplinary hearing?	☐ Yes ☐ No		
Has there been a denia	al of requested witnesses?			
Has there been a denia	al of Documentary Evidence Forms?	☐ Yes ☐ No		
	HEARINGS OFFICER	☐ Yes ☐ No		
Guilty	Not Guilty		200	
☐ Informal	Reduced to Lesser-Included Offens		Service	Offer within 24 Hours of
Resolution	*	se Reduced Penalt	y	
☐ Vacated - Offender	r waived rewrite/reserve of offense	☐ Vacated for Rew	/rite/Re-serve	
X For the charge of	Offense Title: 131 - Possession o	or use of unauthorized com	munication devices to	include
For the Lesser Included Offense			1011000, 10	moidde
Reason for Decision:				
Penalty:	4a - Fine up to \$15 - Imposed Value: 5 Dollars	3		
Comment:	a .			
Hearing Officer's Signature	ə:		Date: 07/16/2023	
Print Name:	Whitehurst, T		Jale, 07710/2023	
INSTITUTIONAL RE	VIEW:			
X Approved	☐ Dismissed ☐ Suspen	ded Penalty Info	rmal Resolution	
Reduced Penalty		d to Lesser-Included Offense	mai resolution	
X For the charge of:		of unauthorized communicati	on devices to include	
For the Lesser Included Offense of:	Offense Title		on devices, to include	
Comments:	Offender Accepted Penalty Offer			
Penalty:	4a - Fine up to \$15 - Imposed Value: 5 Dolla	ars		
	45			
Signatura				
Signature:		Da	te: 07/17/2023	

Treatment Program Supervisor



Disciplinary Offense Report

Report generated by Spencer, A E Report run on 02/09/2024 at 05:55 PM

Case Number: SXI-2023-1089 Offender Name: Johnso	n <mark>, Kevin</mark> D	OC# 1007485 Housing: HU3-A-28B
	Reference:	9 1100-A-20B
Offense Code: 131 Offense Title: Possession	or use of unauthorized communicat	tion devices to include
Offense Date: 07/07/2023 Approximate Time: 12:45 Pl	M Location: N/A - Other	devises, to include
IDESCRIPTION OF THE OFFENSE		
Provide a summary of the details of the offense (i.e.: who, what, when, immediate action taken – including use of force, etc.)		
On July 7, 2023, at approximately 12:45 p.m., Intel Officer M. Arena searching numerous pieces of assorted mail and books, a hard cow Blue Nokia Trac phone was discovered behind the front cover of the property was collected from, therefore this charge is written in according to the contract of the property was collected from, therefore this charge is written in according to the contract of the c	appear	e Kevin Johnson 1007485 personal property. While ared to be tampered with. After further inspection, a ne only inmate assigned to the cell where the
X Investigation Date Completed: 07/08/202		DESCRIPTION CONTINUED ON ATTACHED PAGE
Witnesses: Laboy N	Banadia - Off	The second secon
Witnesses: Laboy, N	Reporting Officer: Arenas, M	
	Title: Institutional Investigat	
Officer Is Officer	Date: 07/08/2023	Time: 8:06 AM
Officer -In-Charge : Johnson, K M	Title: Captain	
OIC Signature:	Date: 07/08/2023	Time: 11:35 AM
ADVISEMENT OF RIGHTS		
By signing below, you indicate your preference regarding the rights indicing rights. The following forms are available to the offender UPON REQUES and the <i>Reporting Officer Response Form</i> . The offender must submit the	cated. Failure to respond, or indicate T in each housing unit: Witness Rec ese request forms to the Hearings O	e a preference, constitutes a WAIVER of the first three quest Form, Documentary Evidence Request Form, fficer within 48-HOURS of the charge being served.
DO YOU REQUEST A STAFF OR OFFENDER ADVISOR TO ASSIST YOU		Yes No REFUSED TO RESPOND
DO YOU WISH TO REQUEST WITNESSES?		Yes No REFUSED TO RESPOND
DO YOU WISH TO REQUEST DOCUMENTARY EVIDENCE?		Yes □ No □ REFUSED TO RESPOND
DO YOU WISH TO WAIVE YOUR RIGHT TO 24-HOUR PREPARATION TIM	E PRIOR TO THE HEARING?	Yes No REFUSED TO RESPOND
DO YOU WISH TO APPEAR AT THE DISCIPLINARY HEARING? Refusal to appear is an admission of guilt, a waiver of witnesses and the right hearing.		Yes No REFUSED TO RESPOND
YOU HAVE THE RIGHT TO QUESTION REPORTING OFFICER		
(In person for Category I Offenses; by submitting a Reporting Officer Respons YOU HAVE THE RIGHT TO ENTER INTO A PENALTY OFFER.	e Form for Category II Offenses)	
YOU MAY REMAIN SILENT. Silence does NOT constitute an admission of gui	le .	
THE CHARGE MAY BE VACATED AND RE-SERVED AS A DIFFERENT OFF YOU MAY BE FOUND GUILTY OF A LESSER-INCLUDED OFFENSE CODE,	ENSE, WHICH CAN BE A HIGHER, EQU	JIVALENT OR LESSER OFFENSE CODE.
You have been informed of the sky week.	IN ACCORDANCE WITH OPERATING F	PROCEDURE 861.1
You have been informed of the charges against you, and a Served and Witnessed By:	dvised of your rights at the Dis Offender's Signature:	sciplinary Hearing.
Print Name:	Print Name:	0
Date of Service: Approximate Tim		
IF OFFENDER REFUSES TO SIGN, SERVING OFFICER WILL CERT	FY REFUSAL:	
ADVISOR AT SERVICE OF BOD	FORMS PROVIDED AT SERVICE Revised Date:	(IF REQUESTED): Yes No Revised Date:

Case 3:24-	-cv-00080-HEH ^{DI} SURUMARNOE	BENSETRIEPORT (JOAN)	Page 8 of 22	PageID# 197
Facility: Sussex I State		Johnson, Kevin	DOC # 1007485	Housing: HU3-A-28B
OFFENDER'S PLEA AN		Reference:		
Hearing Location:				
Plea: Guilty Advisor at hearing:	Not Guilty No Plea		Date: 07/16/2023	Time: 12:00 AM
5.00	usion of the accused offender:			
			_	
Was the Reporting Office	per present at the Disciplinary hearing?			
Has there been a denial	of requested witnesses?	∐ Yes ∏ No		
Has there been a denial	of Documentary Evidence Forms?	☐ Yes ☐ No		
DECISION OF THE	HEARINGS OFFICER	☐ Yes ☐ No		
☐ Guilty	Not Guilty	☐ Dismissed ☑	Accepted Penalty	Offer within 24 Hours of
Informal Resolution	Reduced to Lesser-Included Offens		Service	Oner within 24 Hours of
☐ Vacated - Offender	waived rewrite/reserve of offense			
X For the charge of:		☐ Vacated for Rew	ite/Re-serve	
For the Lesser Included Offense of	Offense Title:	r use of unauthorized comr	nunication devices, to	include
Reason for Decision:	**			
Pamalt	4- 5			
Penalty: 4	4a - Fine up to \$15 - Imposed Value: 5 Dollars			
Comment:	4			
Hearing Officer's Signature:				
Print Name:	Whitehurst, T	D	ate: 07/16/2023).
INSTITUTIONAL REV	/IEW:			
X Approved		ded Penalty Infor	mal Resolution	
Reduced Penalty	Rehear Reduced	d to Lesser-Included Offense		
X For the charge of:		of unauthorized communication	on devices, to include	
For the Lesser Included Offense of:	Offense Title:			_
Comments:	Offender Accepted Penalty Offer			
Penalty:	4a - Fine up to \$15 - Imposed Value: 5 Dolla	ars		
	N. A.			
Signature:	1 1			
Print Name: Carr, E A	A I	Dat		
100000000000000000000000000000000000000		Title	: Treatment Program	1 Supervisor



Disciplinary Offense Report

Report generated by Spencer, A E Report run on 02/09/2024 at 05:57 PM

					60		24 at 03.37	I IVI
Case Number:	SXI-2023-1087	Offender Na	me: Johnson, Kevin		DOC#	1007405	Uestation	process at the
Facility: Sussex	I State Prison		Referenc	9.	00 "	1007485	- Housing:	HU3-A-28B
Offense Code:	140A	Offense Title:	Possession of tobac					
Offense Date:	07/07/2023	Approximate Ti	me: 1:50 PM Location			-		
DESCRIPTION OF	THE OFFENSE							_
immediate action ta	of the details of the or o	offense (i.e.: who of force, etc.)	, what, when, where, a	nd how; any unusual b	ehavior, any	/ physical ev	vidence and it	s disposition, and any
Moon Lodge Bu	ffalo Wing and Blue C	ction, two (2) bag	cer M. Arenas was com blue Moon Lodge Barl s of tobacco were disc ip was discovered to ha vered inside <con't></con't>	overed inside of the M	caled to liat	e peen one	n and recepte	o with alans tone
X Investigation		Date Complete			I-			ON ATTACHED PAGE
Witnesses: La	boy, N	•	Report	ing Officer: Arenas	s M			
			Title:	Institutional Inves				-
			Date:	07/08/2023		8:28 AM		
Officer -In-Charg	e: Johnson, K.M.		NAME AND ADDRESS OF THE PARTY O		Time:	0.20 / 11/1		
OIC Signature:		01	Title:	Captain				
9000 11 12-12-12-12-12-12-12-12-12-12-12-12-12-1			Date:	07/08/2023	Time:	11:31 AM		
ADVISEMENT OF I	RIGHTS	2.14						
and the Reporting C	fficer Response Forn	n. The offender m	he rights indicated. Fa PON REQUEST in each oust submit these reque	est forms to the Hearin	dicate a pref s Request F igs Officer w	erence, consorm, Docum orm, Docum ithin 48-HOI	stitutes a WA lentary Evide JRS of the ch	IVER of the first three nce Request Form, narge being served.
			ASSIST YOU AT THE HI	EARING?		Yes N	lo REFUS	SED TO RESPOND
DO YOU WISH TO	O REQUEST WITNESS	ES?				Yes 1	lo REFUS	SED TO RESPOND
	REQUEST DOCUMEN					Yes 🔲	No ☐ REFU	SED TO RESPOND
			PARATION TIME PRIOR 1	O THE HEARING?		Yes N	O REFUS	SED TO RESPOND
hearing.		a waiver of witnesse	es and the right to a discipl	inary		Yes N	lo REFUS	SED TO RESPOND
YOU HAVE THE R (In person for Cate	IGHT TO QUESTION RI gory I Offenses; by subm	EPORTING OFFICE	ER Officer Response Form for	Category II Offenses)			* *	
YOU HAVE THE RI	GHT TO ENTER INTO A	A PENALTY OFFER	₹.	ranegery in Orientseay				
YOU MAY REMAIN	SILENT. Silence does I	NOT constitute an a	admission of guilt.					
THE CHARGE MAY	BE VACATED AND RE	E-S <mark>ERVED AS A D</mark> I	FFERENT OFFENSE, WI	IICH CAN BE A HIGHER	P. FOLIIVALEN	IT OR LESSE	B OFFENSE C	2005
YOU MAY BE FOU	ND GUILTY OF A LESS	ER-INCLUDED OF	FENSE CODE, IN ACCOR	RDANCE WITH OPERAT	ING PROCE	URF 861 1	K OFFENSE C	ODE.
You have been i	nformed of the ch	arges against	you, and advised o	of your rights at th	o Disciplin	on H		
Served and Witness	sed By:			Offender's Signatu		ary Hearii		
Print Name:				Print Name:				
Date of Service:		App	roximate Time:	rint (valle.				
IF OFFENDER REI	FUSES TO SIGN,SE	RVING OFFICER	WILL CERTIFY REFU	JSAL:				-
ADVISOR AT SER Date of Hearing:		1		PROVIDED AT SERV		QUESTED):	Yes Revised D	Attended to the second

ENCLOSURE B

Case 3:24-	CV-00080-HEH DIE			uedPage 10 of 22	PageID# 199
Facility: Sussex I State		Offender Name: Joi		DOC # 1007485	Housing: HU3-A-28B
OFFENDER'S PLEA AT		R	eference:		
Hearing Location:				B. 1	
Plea: Guilty	☐ Not Guilty	No Plea		Date: 07/16/2023	Time: 12:00 AM
Advisor at hearing:					
Reason for absence/excl	lusion of the accused offend	der:			
	one accepted one in	Jei.			
		1.00		-	
Was the Reporting Office	cer present at the Disciplina	ary hearing?	☐ Yes ☐ No		
Has there been a denial	of requested witnesses?				
Has there been a denial	of Documentary Evidence	Forms?	☐ Yes ☐ No		
			☐ Yes ☐ No		
Guilty	HEARINGS OFFICER				
	☐ Not Guilty		Dismissed	Accepted Penalty Service	Offer within 24 Hours of
Informal Resolution	Reduced to Lesser		Reduced Penalty	General Section Section 1995	
☐ Vacated - Offender	waived rewrite/reserve	of offense	☐ Vacated for Rew	rite/Re-serve	
X For the charge of:	Offense Title: 14	0A - Possession of t	obacco products	THE/TE-SELVE	
For the Lesser Included Offense o	Offongo Title		arass products		
Reason for Decision:					
Penalty:	Aa - Fina up to \$15 Jan				
· onany.	4a - Fine up to \$15 - Impose	ed Value: 5 Dollars			
					4
Comment:					
Hearing Officer's Signature					
Print Name:	1			Date: 07/16/2023	
JI DESTRUCTION OF AN ASSESSMENT OF PROPERTY.	Whitehurst, T				
INSTITUTIONAL REV					
X Approved	Dismissed	Suspended	Penalty Info	mal Resolution	
Reduced Penalty	Rehear		Lesser-Included Offense		
— Tot the charge of:		- Possession of tobacc	co products		
For the Lesser Included Offense of:	Offense Title:				
Comments:	Offender Accepted Penal	ty Offer			
Penalty:	4a - Fine up to \$15 - Impo	osed Value: 5 Dollars			
Signature:					
D	Λ.		Da	te: <u>07/17/2023</u>	
Print Name: Carr, E	1		Titl	e: Treatment Program	Supervisor

Case 3:24-cv-00080-HEH DISCIPLINARY OFFENSE REPORT/(attachment) ge 11 of 22 PageID# 200

Case Number: SXI-2023-1087 Offender Name: Johnson, Kevin DOC # 1007485 Housing: HU3-A-28B

Description of Offense

Description of Offense (continued):

of the Moon Lodge Barbeque potato chip bag. Inmate Kevin Johnson was the only inmate assigned to the cell where the property was collected from, therefore this charge is written in accordance with O.P 861.1.



Disciplinary Offense Report

Report generated by Spencer, A E Report run on 02/09/2024 at 05:54 PM

Case Number:	SXI-2023-1216	Offender Name:	Johnson, Kevin		DOC#	1007485	Housing:	HU3-A-10B
Facility: Sussex	I State Prison		Reference	ce:		Thursday, and		
ASSAURA DI	137A	Offense Title: Lev	wd or obscene a	cts directed tov	vard or in the prese	nce of ano	ther	
Offense Date:	08/03/2023	Approximate Time:	2:17 AM Locat	ion: Restorati	ve/Special Housing	Unit - HU3	3-A	
DESCRIPTION OF Provide a summary immediate action to		ffense (i.e.: who, what f force, etc.)	t, when, where, a	and how; any u	ınusual behavior, aı	ny physical	l evidence and i	ts disposition, and any
notice inmate 0	y 0217 I, c/o C. Bisho 3A10 K. Johnson #100 cer, c/.o N. Owiredu w	7485 had his tray slid	le still open with	his penis out a	ind masturbating. I	hen stoppe	ed the rounds to	Bishop-Hopkins preport the incident
Op 861.1 code • This charge m	137 A : Lewd or obsce ay be written when an	ne acts directed towa inmate is observed c	rd or in the prese ommitting such a	ence of anothe an act regardle	r ss of where the acc	used is loc	cated when the	behavior <con't></con't>
Investigation	n	Date Completed:			X	DESCRIP	TION CONTINUE	D ON ATTACHED PAGE
Witnesses: O	wiredu, N	-	Repo	orting Officer:	bishop-hopkins,	С		
_	sabiyakare, E	1 4	Title:	Correctio	nal Officer			T I
			Date	08/03/202	3 Time	2:17 A	AM	
Officer -In-Char	ge: Defruscio, C C		Title	: Lieutenant	t			
OIC Signature:		4.7	Date	: 08/03/202	Z3Time	3:34	PM	
ADVISEMENT OF	DICUTO							
rights. The followin and the Reporting DO YOU REQU	g forms are available Officer Response For	to the offender UPON m. The offender must	REQUEST in easubmit these rec	ach housing un uest forms to t	nit: Witness Reques the Hearings Office	t Form, Do r within <u>48-</u>	cumentary Evid HOURS of the	AIVER of the first three lence Request Form, charge being served. USED TO RESPOND
	TO REQUEST WITNESS	*						
	TO REQUEST DOCUME			-		Yes		USED TO RESPOND
DO YOU WISH	TO WAIVE YOUR RIGHT	TO 24-HOUR PREPARA	ATION TIME PRIO	R TO THE HEAF	RING?	Yes	No ☐ REF	USED TO RESPOND
	TO APPEAR AT THE DIS ar is an admission of guilt		nd the right to a dis	ciplinary		Yes	□ No □ REF	FUSED TO RESPOND
744	RIGHT TO QUESTION lategory I Offenses; by sub		er Response Form	for Category II C	Offenses)			
	RIGHT TO ENTER INTO	2774-1-24						
YOU MAY REMA	IN SILENT. Silence doe	s NOT constitute an adm	ission of guilt.					
SHEAT MAN AND MAN AND AND AND AND AND AND AND AND AND A	MAY BE VACATED AND I	Company of the Compan	auto essues Sees S	STATE STREET, STATE OF STATE OF STREET, STATE OF STATE OF STREET, STATE OF STAT	STATE OF THE STATE	and the second second	S TOP LOURS IN MALERA	E CODE.
YOU MAY BE FO	OUND GUILTY OF A LES	SEK-INCLUDED OFFE	NSE CODE, IN AC	CORDANCE WI	TH OPERATING PRO	CEDURE 86	01.1	
You have bee Served and Witn	n informed of the o	charges against yo		Lineary City	ghts at the Discier's Signature:	75 (67)	10.8//	
Print Name:				Print N	A CONTRACTOR			
Date of Service:		Approx	ximate Time:		99000 100 M			
55.500000000000000000000000000000000000	REFUSES TO SIGN,S	18 10	AND THE PERSON NAMED IN COLUMN	EFUSAL: .				
ADVISOR AT S	SERVICE OF DOR: 08/08/2023	Revised D			ED AT SERVICE (IF			es No d Date:

ENCLOSURE C

Case 3:24-	-CV-00080-HEH DISCHUNAGE 023-1216 Offender I	AY(OFFENSE NERORZ/(L2) 21A Name: Johnson, Kevin	redPage 13 of 22	PageID# 202
Facility: Sussex I State	Prison		DOC # 1007485	Housing: HU3-A-10B
OFFENDER'S PLEA A	ND RIGHTS	Reference:		
Hearing Location:	* "		Date: 00/44/0000	
Plea: Guilty	☐ Not Guilty ☐ No Plea	a	Date: 08/14/2023	Time: 12:00 AM
Advisor at hearing:	- 10-15 SHAM			
Reason for absence/exc	lusion of the accused offender:	_		
·				
			-	
Was the Reporting Office	cer present at the Disciplinary hearing?	☐ Yes ☐ No		
Has there been a denia	I of requested witnesses?			
Has there been a denial	of Documentary Evidence Forms?	☐ Yes ☐ No		
	HEARINGS OFFICER	└ Yes		
Guilty	Not Guilty			
		☐ Dismissed	Accepted Penalty Service	Offer within 24 Hours of
☐ Informal Resolution	Reduced to Lesser-Included	Offense	Postabelin separates	
☐ Vacated - Offender	waived rewrite/reserve of offense	☐ Vacated for Rew	:1- /D	
X For the charge of:		or obscene acts directed towns	rite/Re-serve	
For the Lesser	I ITTORCO Littor	or obscene acts directed toward	or in the presence of a	another
Included Offense of	of:			
Reason for Decision:				
Penalty:	4a - Fine up to \$15 - Imposed Value: 2	Dollara		
	imposed value. 2	Donars		
-				
Comment:				
Hearing Officer's Signature			WALL 1/4 2/4	
Print Name:	Whitehurst, T		oate: 08/14/2023	
INSTITUTIONAL REV				
X Approved			80 FE	
Reduced Penalty		40 Na	mal Resolution	-
X For the charge of:	—	Reduced to Lesser-Included Offense		
For the Lesser	Offense Title:	bscene acts directed toward or in the	presence of another	
Included Offense of:				
Comments:	Offender Accepted Penalty Offer			
Penalty:	4a - Fine up to \$15 - Imposed Value:	2 Dollars		
	psood value,	- Donard		
Signature:		100		
Print Name: Carr E	Α.	Da	te: 08/22/2023	

Treatment Program Supervisor

Case 3:24-cv-00080-HEHDISSIDENTER DISERTER ORD (attablished) age 14 of 22 PageID# 203

Offender Name: Jahren Jahre

Facility: Sussex I State Prison

Offender Name: Johnson, Kevin

DOC # 1007485

Housing: HU3-A-10B

Description of Offense (continued):

was observed.

• Unlike cases of Indecent Exposure, there is no allowance for "accidental observation" of such an act when the accused is

As staff of any gender may write this charge, claiming that the accused was unaware that a specific staff member was in the area is not considered a valid defense.



Disciplinary Offense Report

Report generated by Spencer, A E Report run on 02/09/2024 at 05:49 PM

Casa Number and		,
	Johnson, Kevin	DOC # 1007485 Housing: HU3-D-13B
Facility: Sussex I State Prison Offense Code: 102A Offense Title: Prison	Reference:	
Officers But the same of the s	ossesion or use of a Weapon/Sharp Inst/	Ammo/Explo/Incind Device(includes F
DESCRIPTION OF THE OFFENSE Approximate Time:	3:20 AM Location: Cell - HU3-D	
Provide a summary of the details of the offense (i.e.: who, wh immediate action taken – including use of force, etc.)	at when where and have	
On October 19, 2023, at approximately 3:20 a.m., Special #1007485 cell 3D13. At which time, SRT Lt. D. Williams tu	Response Team Lt. D. Williams (GROC)	was conducting a cell search of Inmate Kevin Johnson
being held with a magnet You Inmate K Jahrens 1997 to	peedway USA manufactured pocket knife	edway USA manufactured pocket knife, measuring 7.5" was recovered from under the cell door which was
arrest violation of offense code 102a-Possession or use of	is were the only inmate assigned to the co a weapon, <con't></con't>	ell when the weapon was recovered, therefore you are in
Investigation Date Completed:		X DESCRIPTION CONTINUED ON ATTACHED PAGE
Witnesses: Williams, D, C	Reporting Officer: Paillant	
	Title: Correctional Office	
	Date: 10/19/2023	10:42 414
Officer -In-Charge: Ricks, C L	10,10,2020	Time: 10:43 AM
OIC Signature:	Title: Lieutenant	
ADVISEMENT OF RIGHTS	Date: 10/19/2023	Time: 11:23 AM
By signing below, you indicate your preference regarding the rights. The following forms are available to the offender UPON and the Reporting Officer Received.	ghts indicated. Failure to respond, or ind	icate a preference, constitutes a WAIVER of the first three
rights. The following forms are available to the offender UPON and the <i>Reporting Officer Response Form</i> . The offender must seem to be a seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the offender must seem of the following forms are available to the	submit these request forms to the Hearing	Request Form, Documentary Evidence Request Form, as Officer within 48-HOURS of the charge being form,
DO YOU REQUEST A STAFF OR OFFENDER ADVISOR TO ASS	SIST YOU AT THE HEARING?	Yes No Refused to Respond
DO YOU WISH TO REQUEST WITNESSES?		Yes No REFUSED TO RESPOND
DO YOU WISH TO REQUEST DOCUMENTARY EVIDENCE?		Yes No REFUSED TO RESPOND
DO YOU WISH TO WAIVE YOUR RIGHT TO 24-HOUR PREPARA	TION TIME PRIOR TO THE HEARING?	☐ Yes ☐ No ☐ REFUSED TO RESPOND
DO YOU WISH TO APPEAR AT THE DISCIPLINARY HEARING? Refusal to appear is an admission of guilt, a waiver of witnesses and hearing.	A MARKATAN MARKATAN AND AND AND AND AND AND AND AND AND A	
	the right to a disciplinary	Yes No REFUSED TO RESPOND
YOU HAVE THE RIGHT TO QUESTION REPORTING OFFICER (In person for Category I Offenses; by submitting a Reporting Officer	Response Form for Category II Offenses)	
YOU HAVE THE RIGHT TO ENTER INTO A PENALTY OFFER.		
YOU MAY REMAIN SILENT. Silence does NOT constitute an admis		
THE CHARGE MAY BE VACATED AND RE-SERVED AS A DIFFER	RENT OFFENSE, WHICH CAN BE A HIGHER,	EQUIVALENT OR LESSER OFFENSE CODE
TENSOR OFFENS	SE CODE, IN ACCORDANCE WITH OPERATION	NG PROCEDURE 861.1
You have been informed of the charges against you	ı, and advised of your rights at the	Disciplinary Hearing
20.10d dild Withessed By.	Offender's Signature	e:
Print Name:	Print Name:	
Date of Service: 10/19/2023 Approxim	nate Time: 3:14 PM	_
IF OFFENDER REFUSES TO SIGN, SERVING OFFICER WIL	L CERTIFY REFUSAL:	
ADVISOR AT SERVICE OF DOR: Date of Hearing: 11/17/2023 Revised Dat	FORMS PROVIDED AT SERV e: 11/14/2023 Revised Date:	
	Trovided Date.	: Revised Date:

ENCLOSURE D

Case 3:24	-cv-00080-HEH	SOUR HINARY COST	NSERedora/(12/12/A	age 16 of 22	PageID# 205
Facility: Sussex I Stat	2023-1664	Offender Name: Jo	hnson, Kevin		Housing: HU3-D-13B
OFFENDER'S PLEA		F	teference:		
79784 75. 60	Sussex I State Prison			and the second	
Plea: Guilty		No Plea		Date: 11/17/2023	Time: 9:50 AM
Advisor at hearing:					
Reason for absence/exc	clusion of the accused offer	nder:			
Was the Reporting Off	ficer present at the Disciplin	ary hearing?	☐ Yes ☐ No		
Has there been a denia	al of requested witnesses?				
Has there been a denia	al of Documentary Evidenc	e Forms?			
	HEARINGS OFFICE		└ Yes		
X Guilty	☐ Not Guilty	K		7	Traditional state on preparation
☐ Informal			Dismissed	Service	Offer within 24 Hours of
Resolution	Reduced to Lesse	er-Included Offense	Reduced Penalty		
☐ Vacated - Offender	r waived rewrite/reserve	of offense	☐ Vacated for Pow		
X For the charge of			- acated to the w	rite/Re-serve	
For the Lesser	Offense Title:	r codesion of u	se of a Weapon/Sharp I	nst/Ammo/Explo/Incin	d Device(includes F
Reason for Decision:	of:				
reacon for Becision.	R/O offered sufficient test	imony for conviction.			
Penalty:	Fine of up to 25.00 - Impos	sed Value: 1 Dollars			
Comment:	1			77	
Hearing Officer's Signature	e:			110-000	
Print Name:	Kitchen, M			eate: 11/17/2023	
INSTITUTIONAL RE					
Approved	Dismissed				
Reduced Penalty	Rehear	Suspended		mal Resolution	
X For the charge of:		Reduced to	Lesser-Included Offense		
For the Lesser	Offense Title:	t - I ossesion or use of	a Weapon/Sharp Inst/Amm	no/Explo/Incind Device(in	cludes F
Included Offense of:					
Comments:					*
Penalty:	Fine of up to 25.00 - Imp	osed Value: 1 Dollars			
	1.74			113 - 1979 - 2	
Signature:	4,		D		
Print Name:			Dat	е.	

Case 3:24-cv-00080-HEH DISCIPLINARY OF ENSERGIO CARP (Lattachime nt) age 17 of 22 PageID# 206

Case Number: SXI-2023-1664

Offender Name: Lattack and Offender Name: Johnson, Kevin DOC # 1007485 Housing: HU3-D-13B Facility: Sussex I State Prison Reference: _ **Description of Offense**

(continued):

sharpened instrument, ammunition, explosive or incendiary device and charged in accordance with Operating Procedure

Case 3:24-cv-00080-HEH Document 13-2 Filed 02/12/24 Page 18 of 22 PageID# 207

Virginia Department of Corrections

Institutional Classification Authority Hearing

DOC Location: Sussex I State Prison Report generated by Bowles, K A

Report run on 02/09/2024 at 06:17 PM

Offender Name: Johnson, Kevin DOC#: 1007485 DOC Location: Sussex I State Bed Assignment: HU3-D-13-B

Prison

Part I: ICA Referral Notice

You were scheduled to appear before the Institutional Classification Authority on or after 10/19/2023 for Transfer

Comments:

Authorizing Staff Date & Time

Hearing Date:

Offender Statement:

Reporting Staff Comments:

Part II: Hearing Disposition

Transfer Review:

The ICA recommends: Transfer to Red Onion State Prison

Rationale: It is recommended that Inmate K. Johnson #1007485 be transferred to Red Onion State Prison for having a knife in his possession. This behavior displayed by Inmate Johnson is a threat to public, staff, inmate safety, and the orderly operation of the institution. He has received multiple infractions for having dangerous contraband and trying to breach the secure perimeter.

ICA: Branch. Date: 10/19/2023

Joshua M

Administrative Review:

Decision: Approve Transfer to Red Onion State Prison

Green, Timothy W Date: 10/19/2023

Comments: It is recommended that Inmate K. Johnson #1007485 be transferred to Red Onion State Prison for having a knife in his possession. This behavior displayed by Inmate Johnson is a threat to public, staff, inmate safety, and the orderly operation of the institution. He has received multiple infractions for having dangerous contraband and trying to breach the secure perimeter.

CCS Review:

Ford, Troy R Date: 10/23/2023

Comments: transfer approved. due to recent infractions (2-131, 137, and 102) a more secure facility is warranted.

Case 3:24-cv-00080-HEH Document 13-2 Filed 02/12/24 Page 20 of 22 PageID# 209

Virginia Department of Corrections

Institutional Classification Authority Hearing

DOC Location: Sussex I State Prison Report generated by Bowles, K A

Report run on 02/09/2024 at 06:20 PM

Offender Name: Johnson, Kevin DOC#: 1007485 DOC Location: Sussex I State Bed Assignment: HU3-A-06-B

Prison

Part I: ICA Referral Notice

You were scheduled to appear before the Institutional Classification Authority on or after 10/24/2023 for Internal Status

Comments: 3-Day MDT: Inmate K. Johnson #1007485 was removed from General Population and laced in Restorative Housing on 10/19/2023 due to having a knife in his possession.

Authorizing Staff Date & Time

Hearing Date:

Offender Statement:

Reporting Staff Comments:

Part II: Hearing Disposition

Internal Status Review:

The ICA recommends: Internal status change to RHU - Restorative Housing

Rationale: 3-Day MDT: Inmate K. Johnson #1007485 was removed from General Population and laced in Restorative Housing on 10/19/2023 due to having a knife in his possession. Inmate is being recommended to stay on RHU status pending further information.

ICA: Greene, Eric Date: 10/24/2023

D

Administrative Review:

Decision: Approve Internal status change to RHU - Restorative Housing

Green, Timothy W Date: 10/25/2023

Comments:

Case 3:24-cv-00080-HEH Document 13-2 Filed 02/12/24 Page 21 of 22 PageID# 210

Virginia Department of Corrections

Institutional Classification Authority Hearing

DOC Location: Sussex I State Prison Report generated by Bowles,

K A Report run on 02/09/2024 at 06:19 PM

Offender Name: Johnson, Kevin DOC#: 1007485 DOC Location: Sussex I State Bed Assignment: HU3-D-13-B

Prison

Part I: ICA Referral Notice

You were scheduled to appear before the Institutional Classification Authority on or after 10/19/2023 for Internal Status

Comments: Inmate K. Johnson #1007485 is being placed in RHU status for having a knife in his possession. This behavior displayed by Inmate Johnson is a threat to public, staff, inmate safety, and the orderly operation of the institution. There was no other alternative than to placed Inmate Johnson in RHU.

Carr, Elizabeth A - Treatment Program

Supervisor

Authorizing Staff

10/19/2023 01:05 PM

Date & Time

Hearing Date: 10/24/2023 Offender Statement:

Reporting Staff Comments:

Part II: Hearing Disposition

Internal Status Review:

The ICA recommends: Internal status change to RHU - Restorative Housing

Rationale:

ICA: Branch, Date: 10/25/2023

Joshua M

Administrative Review:

Decision: Approve Internal status change to RHU - Restorative Housing

Branch, Joshua M Date: 10/25/2023

Comments:

Case 3:24-cv-00080-HEH Document 13-2 Filed 02/12/24 Page 22 of 22 PageID# 211

Virginia Department of Corrections

Institutional Classification Authority Hearing

DOC Location: Sussex I State Prison Report generated by Bowles, K A

Report run on 02/09/2024 at 06:22 PM

Offender Name: Johnson, Kevin DOC#: 1007485 DOC Location: Sussex I State Bed Assignment: HU3-A-06-B

Prison

Part I: ICA Referral Notice

You were scheduled to appear before the Institutional Classification Authority on or after 10/26/2023 for Internal Status

Comments: 10-Day MDT: Inmate K. Johnson #1007485 was removed from General Population and laced in Restorative Housing on 10/19/2023 due to having a knife in his possession.

Authorizing Staff Date & Time

Hearing Date:

Offender Statement:

Reporting Staff Comments:

Part II: Hearing Disposition

Internal Status Review:

The ICA recommends: Internal status change to SD-1 Restorative Housing Step Down 1

Rationale: 10-Day MDT: Inmate K. Johnson #1007485 was removed from General Population and laced in Restorative Housing on 10/19/2023 due to having a knife in his possession. Inmate is being recommended to be on Sd-1 status. To continue on the step down process.

ICA: Greene, Eric Date: 10/26/2023

D

Administrative Review:

Decision: Approve Internal status change to SD-1 Restorative Housing Step Down 1

Green, Timothy W Date: 10/27/2023

Comments: